

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Irn Coury	Team: Team # 2	CCRB Case #: 200900106	<input checked="" type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input checked="" type="checkbox"/> Injury
Incident Date(s) Thursday, 01/01/2009 2:30 AM	Location of Incident: § 87(2)(b) Apt. 3B	Precinct: 40	18 Mo. SOL 7/1/2010	EO SOL 7/1/2010	
Date/Time CV Reported Mon, 01/05/2009 4:32 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Mon, 01/05/2009 4:32 PM		

Complainant/Victim	Type	Home Address

Witness(es)	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. Officers			040 PCT
2. SGT Seth Lynch	02266	932932	040 PCT
3. POM Erik Vecvagars	02430	931369	040 PCT
4. CPT Elias Nikas	00000	902105	040 PCT
5. POM Felipe Ortiz	09291	939152	040 PCT
6. An officer			

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. POM Adrian Ramos	27579	940609	040 PCT
2. POM Russell Lewis	31012	927082	040 PCT
3. POM Jose Romero	18022	940670	040 PCT
4. POM Clement Krug	17000	932866	040 PCT
5. POM Daryl Melhado	08260	940464	040 PCT
6. POM Arie Froimovich	10716	934887	040 PCT
7. POM Ritchie Baez	10754	934440	040 PCT
8. POM Otis Fulton	10331	936624	040 PCT
9. POM Javier Aponte	11268	937991	040 PCT
10. POM Vladimir Garcia	25020	941021	040 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
11. LT Steven Ellman	00000	901508	040 PCT
12. LT Ronald Connelly	00000	889782	040 PCT

Officer(s)	Allegation	Investigator Recommendation
A.SGT Seth Lynch	Abuse: Sgt. Seth Lynch authorized the entry into § 87(2)(b) in the Bronx.	
B. Officers	Force: Officers used physical force against § 87(2)(b) and § 87(2)(b) and § 87(2)(b).	
C.POM Erik Vecvagars	Force: PO Erik Vecvagars used pepper spray against § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and individuals.	
D.SGT Seth Lynch	Force: Sgt. Seth Lynch struck § 87(2)(b) § 87(2)(b) and § 87(2)(b) with an asp.	
E. Officers	Discourtesy: Officers spoke obscenely and/or rudely to § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and individuals.	
F.SGT Seth Lynch	Abuse: Sgt. Seth Lynch authorized the entry and search of § 87(2)(b) in the Bronx.	
G. An officer	Force: An officer used pepper spray against § 87(2)(b) § 87(2)(b).	
H. Officers	Force: Officers struck § 87(2)(b) § 87(2)(b) with an asp.	
I. Officers	Force: Officers used physical force against § 87(2)(b) § 87(2)(b).	
J.POM Felipe Ortiz	Force: PO Felipe Ortiz used physical force against § 87(2)(b) § 87(2)(b).	
K.POM Erik Vecvagars	Discourtesy: PO Erik Vecvagars spoke obscenely and/or rudely to § 87(2)(b) § 87(2)(b).	
L.CPT Elias Nikas	Abuse: Captain Elias Nikas supervised the frisking of individuals.	

Synopsis

On January 5, 2009, § 87(2)(b) § 87(2)(b) filed the following complaint over the phone with the CCRB. On January 1, 2009, at approximately 2:30AM, § 87(2)(b) § 87(2)(b) was celebrating the New Year with his family and some neighbors inside his apartment, located at § 87(2)(b) § 87(2)(b) in the Bronx, when PO Erik Vecvagars, Sgt. Seth Lynch, PO Felipe Ortiz, and other officers entered the building (**Allegation A**) and came to his apartment regarding the noise. PO Vecvagars ordered § 87(2)(b) § 87(2)(b) out of the apartment. PO Vecvagars placed his hands on § 87(2)(b) § 87(2)(b) to escort him out, and § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and others inside the party pulled § 87(2)(b) § 87(2)(b) back into the apartment. PO Vecvagars and other officers pulled § 87(2)(b) § 87(2)(b) (**Allegation B**). After the officers pulled § 87(2)(b) § 87(2)(b) into the hallway, the officers struggled at the door to get inside the apartment as the people on the inside pushed on the door to keep the officers out. During this time, PO Vecvagars sprayed pepper-spray inside the apartment (**Allegation C**) and Sgt. Lynch struck § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) with his asp (**Allegation D**). Officers also allegedly cursed at civilians (**Allegation E**). During the struggle, officers grabbed § 87(2)(b) and pulled him out of the doorway (**Allegation B**).

Officers gained entry (**Allegation F**), § 87(2)(b) § 87(2)(b) alleged that an officer pepper-sprayed him in the face (**Allegation G**) and that officers struck him with batons and punched and kicked him (**Allegations H and I**). Inside the apartment, PO Ortiz placed § 87(2)(b) § 87(2)(b) under arrest, and § 87(2)(b) § 87(2)(b) alleged that he used excessive force in so doing (**Allegation J**). § 87(2)(b) § 87(2)(b) alleged that when PO Vecvagars placed him under arrest, PO Vecvagars stated, “There’s the fucker I maced in the face” (**Allegation K**). Captain Elias Nikas responded to the scene, and under his supervision, officers frisked all of the remaining individuals inside the apartment (**Allegation L**).

§ 87(2)(b), § 87(2)(g)

Summary of Complaint

§ 87(2)(b) § 87(2)(b)
On January 7, 2009, § 87(2)(b) § 87(2)(b) was interviewed at § 87(2)(b) in the Bronx. On January 1, 2009, § 87(2)(b) § 87(2)(b) was celebrating New Year's with family members and neighbors at his apartment, § 87(2)(b) in the Bronx. § 87(2)(b) had consumed two or three drinks of vodka. Approximately twenty people were present at the party. § 87(2)(b) did not know who was at the party because they were neighbors and his son's friends. § 87(2)(b) could only name the people arrested with him: § 87(2)(b) § 87(2) § 87(2)(b) § 87(2)(b) § 87(2) § 87(2) and § 87(2)(b) § 87(2)(b).

At approximately 2:30 AM, police knocked on the front door of § 87(2)(b)'s apartment. § 87(2)(b) turned down the music, and opened the door. Five uniformed officers were standing in front of his door. An officer, identified by the investigation as PO Erik Vecvagars, told him that they had received a phone call

about loud music. § 87(2)(b) apologized for the loud music and identified himself because it was his apartment. The officers did not ask § 87(2)(b) to turn down the music; the music was already turned down.

§ 87(2)(b) told the officers that he was videotaping them, and they laughed at him. § 87(2)(b) handed his identification to PO Vecvagars, which PO Vecvagars put in his pocket. PO Vecvagars then turned to the other officers and nodded. After nodding, PO Vecvagars and the other officers tried to push their way into the apartment and pull § 87(2)(b) out of the door. The door opens into the apartment. § 87(2)(b) opened the door and stood inside his apartment in the open door while talking with PO Vecvagars. § 87(2)(b) did not know which officers or how many officers pulled him, but he noted that “a lot” of officers did so. The officers pulled § 87(2)(b) by the arms and “anywhere they could” on his body. The officers had not told § 87(2)(b) to step out of the apartment. They did not give him any commands. § 87(2)(b) had been calm the entire time he was speaking with the officers. When the officers pulled § 87(2)(b), § 87(2)(b) pulled § 87(2)(b) in the opposite direction and told the officers not to take his dad out of the apartment. The officers eventually pulled § 87(2)(b) out of the apartment and immediately handcuffed him. § 87(2)(b) was then walked upstairs to the next floor by an officer.

The officer stood behind § 87(2)(b) the entire time and placed him facing the wall. § 87(2)(b) heard screams coming from downstairs, but he could not discern any words being shouted. After approximately 15 minutes upstairs, § 87(2)(b) was led back to the apartment. Officers were grabbing doorknobs and shaking them as if they were trying to enter different rooms. § 87(2)(b) could not smell pepper spray. § 87(2)(b) was then taken to the 40th Precinct stationhouse. At no point did § 87(2)(b) resist or push any officer.

Video footage provided by § 87(2)(b) § 87(2)(b)

Video footage of the incident provided by § 87(2)(b) § 87(2)(b) from his personal surveillance cameras covers apartment § 87(2)(b) in § 87(2)(b) in the Bronx from four angles: the entrance to the building, the landing in the stairwell outside the apartment door, the hallway inside the apartment, and the living room with the mini-bar. Channel one corresponds to the camera that is placed above the door into the apartment, channel two the camera that is placed outside the living room window pointing at the entrance of the building, channel three the camera above the door into the living room looking at the hallway, and channel four the living room. All four channels of the video show events happening at the same time.

Results of Investigation

Civilian statements

§ 87(2)(b) § 87(2)(b)

On January 7, 2009, § 87(2)(b) § 87(2)(b) was interviewed at § 87(2)(b) in the Bronx.

§ 87(2)(b), § 87(2)(g) Approximately 25 people were present at the party: § 87(2)(b) § 87(2)(b) § 87(2)(b) ’s father), § 87(2)(b) § 87(2)(b) § 87(2)(b) ’s step-mother), § 87(2)(b) § 87(2)(b) ’s step-brother), § 87(2)(b) (who lives with § 87(2)(b) § 87(2)(b) § 87(2)(b) ’s friend Coco, § 87(2)(b) ’s friend § 87(2)(b) and three of his § 87(2)(b) friends, § 87(2)(b) and some neighbors § 87(2)(b) and § 87(2)(b) who live downstairs and § 87(2)(b) ’s uncle § 87(2)(b) § 87(2)(b) had consumed three drinks earlier in the evening – two shots of tequila and a shot of vodka. § 87(2)(b) was buzzed but not drunk.

At approximately 2:30 AM, someone noticed that a lot of police cars were gathering outside the building. § 87(2)(b) and § 87(2)(b) responded to the front door of the apartment. § 87(2)(b) opened the door, and § 87(2)(b) stood a few feet behind him. When § 87(2)(b) opened the door, the music had already been turned down, and § 87(2)(b) had his wallet in his hand. After opening the door, § 87(2)(b) took his identification out of his wallet and handed it to the officers. Three uniformed male officers spoke with § 87(2)(b) and other officers were present outside the apartment, as well. Two officers, PO Vecvagars and Sgt. Seth Lynch, spoke most aggressively with § 87(2)(b)

§ 87(2)(b) told the officers it was a family party and everything was under control. § 87(2)(b) was calm, but the officers were loud. PO Vecvagars took § 87(2)(b) ’s identification and said, “Everyone’s getting locked up.” § 87(2)(b) was standing about a step or two out of the doorway.

PO Vecvagars then tried to push his way into the apartment, and § 87(2)(b) walked back into the apartment. PO Vecvagars did not ask to enter the apartment. The officers then grabbed § 87(2)(b) and pulled him. When the officers began to pull § 87(2)(b) § 87(2)(b) and others pulled § 87(2)(b) but in the opposite direction. A struggle ensued between the officers and the people in the apartment, trying to pull § 87(2)(b) § 87(2)(b) believed § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2) were pulling § 87(2)(b) PO Vecvagars and Sgt. Lynch were pulling on the other side with other officers. Officers yelled, “everybody’s getting fucking arrested.” § 87(2)(b) told § 87(2)(b) to let him go, which he did.

After taking § 87(2)(b) out of the apartment, the officers’ tried to enter the apartment. When the officers’ began to enter the apartment, § 87(2)(b) § 87(2)(b) § 87(2)(b) and, possibly, § 87(2)(b) pushed the door in an attempt to close it, and the officers pushed back trying to get into the apartment. From the other side of the door, the officers yelled to “move from the fucking door” and “get the fuck off the door,” but § 87(2)(b) could not see which officers made these remarks. After a few seconds, an officer then reached inside the apartment and sprayed pepper spray inside the apartment for “a few seconds” in “a bunch” of bursts. Everyone else who had been near the door ran into the living room except for § 87(2)(b) and § 87(2)(b) who remained at the door. The officers also swung their batons, and § 87(2)(b)’s hand was hit with a baton. After less than a minute, the officers pushed the door open, and § 87(2)(b) ran towards the living room.

As § 87(2)(b) was running away from the officers, PO Vecvagars hit him from behind with a baton in either the back of his head or his shoulder. § 87(2)(b) fell, but then stood back up. A few officers then hit § 87(2)(b) and he was pepper-sprayed in the face. § 87(2)(b) could not see very much as a result of the pepper spray, but he felt officers hitting him on the head with batons and punching and kicking him. § 87(2)(b) did not recall if his front or back faced the officers as they continued to hit him. § 87(2)(b) told one officer, “this shit is fucked up” and that officer again struck § 87(2)(b) § 87(2)(b) § 87(2)(b) estimated that four to six officers were hitting him. He could not estimate how many times he was hit, and because of the pepper spray he was not able to get a good look at the officers. § 87(2)(b) fell to the floor and was handcuffed. Approximately one minute passed between the first strike that § 87(2)(b) felt as he was running towards the living room and the time he was handcuffed. § 87(2)(b) never swung at the officers or hit the officers.

When § 87(2)(b) was on the ground, he saw § 87(2)(b) § 87(2) in handcuffs behind the wall, and the officers continued to hit and kick him. The officers then picked § 87(2)(b) up and walked him out of the apartment. One white male officer in a hat who may have been PO Vecvagars hit § 87(2)(b) on the right side of his face, and then other officers hit § 87(2)(b) as they escorted him down the stairs and out the building. As they were walking him out of the building, an unidentified officer punched § 87(2)(b) in the back.

§ 87(2)(b) § 87(2)(b) was driven to the 40th Pct stationhouse where he was placed in a holding cell with § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2) § 87(2). A few hours later, an ambulance came to the stationhouse to take § 87(2)(b) and § 87(2)(b) § 87(2) to the hospital. § 87(2)(b) received a staple in the back of his head, and they ran x-rays on his nose because it was really swollen. § 87(2)(b)’s cheekbone was swollen and bruised. § 87(2)(b) also had a boot scuff mark on his right side and a busted lip.

§ 87(2)(b)
On January 7, 2009, § 87(2)(b) § 87(2)(b) was interviewed at § 87(2)(b) in the Bronx. At approximately 2:30 AM, someone noticed that police were outside and § 87(2)(b) § 87(2)(b) immediately turned the music down slightly. A few moments later, § 87(2)(b) § 87(2)(b) heard the officers knocking on his door, and he turned the music down, almost all the way off.

§ 87(2)(b) took out his identification and walked to the front door. § 87(2)(b) § 87(2)(b) remained in the living room. After approximately two minutes, § 87(2)(b) § 87(2)(b) entered the hallway and saw six or seven uniformed police officers pulling § 87(2)(b) out of the apartment. The officers were shouting to the people in the doorway to get out of the way. PO Vecvagars was pulling § 87(2)(b) by his left forearm and coat.

§ 87(2)(b) § 87(2)(b) § 87(2)(b) Felix, and § 87(2)(b) tried to pull § 87(2)(b) back into the apartment. Eventually, the officers pulled § 87(2)(b) out of the apartment, and § 87(2)(b) § 87(2)(b) and § 87(2)(b) tried to close the door on the officers. The officers were saying to “get the fuck back” and let them in. After about two minutes of pushing, two officers pushed § 87(2)(b) § 87(2) backwards into the wall and then pulled him out. At the same time,

an officer discharged pepper spray inside the apartment and began to swing their asps at the men holding the door at the same time. § 87(2)(b) was holding the door on the edge with his fingers, and an officer hit his fingers with an asp. After being pepper sprayed and having his fingers hit, § 87(2)(b) held onto the door for about a minute. At that time, the hallway light somehow went off, and § 87(2)(b) ran down the hallway into § 87(2)(b)'s room. § 87(2)(b) stayed inside § 87(2)(b)'s room for approximately ten minutes, during which time he listened to what was happening in the hallway and wiped his eyes, which were burning.

§ 87(2)(b) could not tell what was happening in the hallway from the noises, but it sounded like fighting because it consisted of a lot of banging. § 87(2)(b) did not recall anything else that was said or shouted while he was in the room. Eventually § 87(2)(b) opened the door and PO Vecvagers was standing there with a flashlight in his hand. PO Vecvagers shined the flashlight on § 87(2)(b) and said, "That was the little fucker I maced in the face" as he grabbed § 87(2)(b) and pushing § 87(2)(b)'s against a wall. Capt. Nikas told PO Vecvagers to arrest § 87(2)(b) which PO Vecvagers did. § 87(2)(b) was taken out of the apartment and to the 40th Pct stationhouse.

§ 87(2)(b) § 87(2)(b)
On January 7, 2009, § 87(2)(b) § 87(2)(b) was interviewed at § 87(2)(b) in the Bronx. On January 1, 2009, § 87(2)(b) had consumed three shots of tequila, but she was not intoxicated. At approximately 2:30 AM, police officers arrived and knocked on the door. Before answering the door, § 87(2)(b) turned the music down. § 87(2)(b) opened the door and told the officers that this was his apartment, and he showed them his identification. § 87(2)(b) saw § 87(2)(b) give his identification to PO Erik Vecvagers.

About two minutes later, § 87(2)(b) § 87(2)(b) heard § 87(2)(b) tell the officers that he had already identified himself and asking what else they wanted. § 87(2)(b) § 87(2)(b) heard the officers tell § 87(2)(b) that they wanted him, and then the officers starting pulling § 87(2)(b) with both of their hands on his shirt. When the officers pulled § 87(2)(b) he did not resist, but § 87(2)(b) § 87(2)(b) and § 87(2)(b) § 87(2)(b) pulled § 87(2)(b) in the opposite direction.

The officers eventually pulled § 87(2)(b) out of the apartment and placed him in handcuffs. He was then walked upstairs. After pulling § 87(2)(b) out of the apartment, the officers tried to enter the apartment by pushing on the door but § 87(2)(b) § 87(2)(b) and possibly § 87(2)(b) § 87(2)(b) and the girls at the door pushed on the door in an attempt to close it. § 87(2)(b) § 87(2)(b) walked away into the living room.

Approximately one minute later, people who had been standing near the door entered the living room coughing from pepper spray that had been discharged. § 87(2)(b) § 87(2)(b) then went to the hallway and § 87(2)(b) was the only person left trying to hold the door shut. § 87(2)(b) then let go of the door and ran down the hallway towards the living room. The officers entered the apartment and ran after § 87(2)(b) § 87(2)(b). Approximately ten officers grabbed § 87(2)(b) and knocked him down to the ground in front of § 87(2)(b) § 87(2)(b). The officers hit § 87(2)(b) with closed fists and kicked him twice. § 87(2)(b) § 87(2)(b) also saw one officer hit § 87(2)(b) with a baton, although she did not recall where on his body the officer hit him with the baton. Because there were so many officers, § 87(2)(b) § 87(2)(b) could not see clearly what they were doing. The officers then lifted § 87(2)(b) up and carried him out of the apartment. As they were carrying § 87(2)(b) an officer punched him in the stomach with a closed fist.

An officer told PO Felipe Ortiz to arrest § 87(2)(b) § 87(2)(b). PO Ortiz grabbed § 87(2)(b) § 87(2)(b)'s right arm and twisted it as if he were squeezing water out of a rag. Additional officers helped PO Ortiz pull both of § 87(2)(b) § 87(2)(b)'s arms behind her back, pushed her to the floor and placed in handcuffs. § 87(2)(b) § 87(2)(b) did not resist.

§ 87(2)(b) § 87(2)(b) was then taken to the 40th Precinct stationhouse and then to the hospital along with § 87(2)(b) § 87(2)(b). § 87(2)(b) was diagnosed with a sprained elbow, and § 87(2)(b) § 87(2)(b) received a staple in the back of his head. He also had bruises to his eyes and nose. Neither § 87(2)(b) § 87(2)(b) nor § 87(2)(b) § 87(2)(b) had injuries before the incident.

§ 87(2)(b)

On January 7, 2009, § 87(2)(b) was interviewed in Spanish in § 87(2)(b) in the Bronx, and on January 28, 2009, § 87(2)(b) was re-interviewed in Spanish over the phone. § 87(2)(g)

On January 1, 2009, § 87(2)(b) was at a party where he had consumed approximately two drinks. At approximately 2:30 AM, police knocked on the door. § 87(2)(b) lowered the music, which had been playing loudly. § 87(2)(b) spoke with the officers in English, which § 87(2)(b) does not understand. § 87(2)(b) stood a few feet behind § 87(2)(b). § 87(2)(b) turned away from the door, and when § 87(2)(b) turned back towards the door, § 87(2)(b) was not present. § 87(2)(b) did not know how the officers took § 87(2)(b) out of the apartment or which officers did so because he was looking backwards at the time. § 87(2)(b) did not try to grab § 87(2)(b) nor did he try to close the door. Three police officers then pushed § 87(2)(b) backwards into the wall approximately three feet behind the door and then pulled him out into the hallway. The police were not speaking or shouting when they did so. In the hallway, § 87(2)(b) was handcuffed and then walked downstairs. § 87(2)(b) neither saw nor heard anything else that happened in the apartment after he left.

§ 87(2)(b) § 87(2)(b)

On February 5, 2009, § 87(2)(b) provided the following statement over the phone. § 87(2)(b) was at the party with his girlfriend § 87(2)(b) who lives with him). When the police came, the music was still loud. § 87(2)(b) went to the door behind § 87(2)(b) and heard the police tell him to lower the music. § 87(2)(b) himself lowered the music, which was in the room a few steps away from the door. § 87(2)(b) then returned to the hallway as the police were trying to push their way in. A lot of people were pushing on the door to keep the police out. Two or three officers then pepper-sprayed the people, and § 87(2)(b) was also pepper-sprayed. He fell to the floor in the hallway, and police picked him up and brought him to the living room, where they took his ID out of his pocket and placed him in handcuffs. § 87(2)(b) was searched multiple times with officers putting their hands in all of his pockets. § 87(2)(b) was also searched at this time. After about an hour or two, the officers let him go.

§ 87(2)(b) scheduled and missed two appointments with the CCRB – on February 13, 2009, and then again on March 9, 2009 – without calling in advance to cancel or reschedule.

Civilians not interviewed

- On January 8, 2009, the undersigned investigator spoke with § 87(2)(b) at § 87(2)(b) Apartment § 87(2)(b) in person, and she stated that she did not want to provide a statement at the moment. § 87(2)(b) told the investigator that she was present during the incident and that no one else was home at the time who was also present during the incident. She did not provide a telephone number. On January 23 and February 5, 2009, letters were sent to § 87(2)(b) § 87(2)(b) and § 87(2)(b) asking them to please call.
- Between January 30, 2009, and March 23, 2009, five phone calls were made to § 87(2)(b) § 87(2)(b) and § 87(2)(b) was sent two letters and scheduled and missed one appointment with the CCRB.
- The investigator spoke with § 87(2)(b) § 87(2)(b) on February 18, 2009, and she stated that she did not have time to provide a statement to the CCRB.
- Between February 5, 2009, and March 5, 2009, the investigator placed five phone calls to § 87(2)(b) § 87(2)(b)'s residence. Messages were left messages with the person who answered the phone. § 87(2)(b) § 87(2)(b) was never reached.
- The undersigned investigator made five telephone calls to the § 87(2)(b) between January 27, 2009, and March 5, 2009, but never spoke with the anonymous § 87(2)(b) § 87(2)(b).

Police officer statements

Note: After providing their statements, all of the officers' viewed video footage of the incident and provided testimony based upon this footage.

Sgt. Seth Lynch

On June 9, 2009, Sgt. Lynch was interviewed at the CCRB. Sgt. Lynch worked as patrol supervisor from 11:05 PM on December 31, 2008, to 8:05 AM on January 1, 2009, in uniform in a marked patrol car with PO Erik Vecvagars. Sgt. Lynch's memo book noted at 2:50AM a: pickup of a noise complaint § 87(2)(b)

§ 87(2)(b) Six under in regards

On January 1, 2009, at approximately 2:50 AM, Sgt. Lynch and PO Vecvagars were driving on § 87(2)(b) in the Bronx near § 87(2)(b) when they heard music. The car windows were up. As the officers approached § 87(2)(b), they saw people in the street dancing to music and realized that the music was coming from the third floor of § 87(2)(b). Some of the people outside tried to alert the people in the party to the presence of the police. Sgt. Lynch did not talk with these people or with anyone else.

Sgt. Lynch called for one additional unit because he was not sure of the nature of the party. Either PO Vecvagars or Sgt. Lynch forcibly entered the apartment building. Sgt. Lynch did not recall how this was done. They forced their way into the building because the front door was locked and had no buzzer or other way into the building. Sgt. Lynch did not recall damage to the door. PO Aponte and PO Fulton were the first officers to respond, and they were also on the scene at this time.

PO Aponte knocked on the door, and § 87(2)(b) opened the door. § 87(2)(b) stepped into the hallway, but Sgt. Lynch did not recall if he did so voluntarily or was asked. § 87(2)(b) provided a security guard identification and other documentation upon PO Vecvagars' request. The identification was requested so that a summons could be issued in case it was determined to do so. PO Vecvagars asked § 87(2)(b) to lower the music, and § 87(2)(b) became belligerent and verbally combative and said that he should not have to turn the music down because it was a party. Sgt. Lynch did not recall if the music was still playing loudly at this point. Sgt. Lynch threatened to summons or arrest him if he did not turn down the music. Sgt. Lynch explained that he could summons § 87(2)(b) for unreasonable noise and arrest him for the same, as well as for failing to provide identification.

§ 87(2)(b) then came to the door and began to curse at the officers, calling the officers "pussies" and saying, "fuck you" and "we don't have to turn down shit." Sgt. Lynch did not recall how the officers responded to § 87(2)(b) since he was focused on § 87(2)(b). The next thing he recalled was § 87(2)(b) slamming the door and PO Vecvagars struggling to keep the door open. § 87(2)(b) was outside the door when § 87(2)(b) slammed it, but Sgt. Lynch did not recall if § 87(2)(b) successfully closed the door. Sgt. Lynch did not recall if PO Vecvagars was already inside the apartment when § 87(2)(b) slammed the door. Sgt. Lynch did not recall if PO Vecvagars stopped or attempted to stop § 87(2)(b) from slamming the door, but PO Vecvagars was near § 87(2)(b) when he slammed the door. After § 87(2)(b) slammed the door, a large struggle ensued with officers pulling on people in the apartment and lots of yanking back and forth. "Everyone was yanking at each other." Sgt. Lynch did not recall a struggle involving § 87(2)(b) (*When he viewed the video, Sgt. Lynch stated, "Oh, wow" and noted that there appeared to be a struggle involving PO Vecvagars pulling § 87(2)(b) out of the apartment and someone inside pulling § 87(2)(b) into the apartment. Sgt. Lynch did not recall how that pulling started nor did he recall why the officers were pulling on § 87(2)(b) other than to issue him a summons or place him under arrest.*)

During the struggle, Sgt. Lynch tried to hit § 87(2)(b) with his asp. Sgt. Lynch did not remember how many times he swung his asp or if he hit § 87(2)(b) or anyone else. However, Sgt. Lynch did accidentally hit PO Felipe Ortiz with his asp, at which point he decided to stop swinging his asp. Other officers also used their batons during this struggle, but Sgt. Lynch did not recall which officers used them or how they used them. Sgt. Lynch did not recall if anyone was pulled out during the struggle. Sgt. Lynch did not recall if pepper spray was used during the struggle; Sgt. Lynch noted that pepper spray was used at some point during the incident because he remembered smelling it later, but he did not recall at what point it was used. Sgt. Lynch did not use pepper spray nor did he recall who did. No officer cursed at the people inside the apartment. Sgt. Lynch did not recall if any officer threatened to arrest the people inside the apartment, but he stated that it was understood that everyone struggling at the door would be placed under arrest for obstruction of governmental administration.

Eventually, § 87(2)(b) left the door and ran into the apartment. Sgt. Lynch did not know exactly what happened next, but § 87(2)(b) fell to the ground and was placed in handcuffs. § 87(2)(b) continued to resist and struggled with the officers with his arms by refusing to be handcuffed. Sgt. Lynch did not recall if § 87(2)(b) struck any officers. Sgt. Lynch did not recall the details of the subduing and handcuffing of § 87(2)(b). Sgt. Lynch did not recall his own role in handcuffing § 87(2)(b). After § 87(2)(b) was placed in handcuffs, no physical force was used against him; he was not slapped or punched.

Sgt. Lynch did not recall if he was involved in handcuffing anyone else. Sgt. Lynch did not recall if any additional force was used inside the apartment after the entry and arrest of § 87(2)(b). Sgt. Lynch was shown a photo of § 87(2)(b) § 87(2) from El Diario newspaper, and he did not know how she sustained the injury to her right arm. Sgt. Lynch did not recall if other people in the apartment were frisked or searched. (*Upon viewing the video, Sgt. Lynch explained that he went into the living room and explained to people that the party was over. However, the people in the living room could not yet leave because of the police activity in the hallway. Captain Elias Nikas was on the scene by this point and authorized the frisking of the individuals in the living room.*) At no point did Sgt. Lynch hear any officer curse at any civilians. DJ equipment was vouchered from the home, and six individuals involved in the struggle at the door were arrested. Sgt. Lynch did not hear any officer deny medical attention to § 87(2)(b) § 87(2)(b) or § 87(2)(b) § 87(2)(b).

PO Erik Vecvagars

On June 16, 2009, PO Vecvagars was interviewed at the CCRB. PO Vecvagars worked as Sgt. Lynch's driver in marked patrol car from 11:15 PM on December 31, 2008, to 7:50 AM on January 1, 2009 in uniform with Sgt. Lynch. PO Vecvagars's memo book noted that at 2:30AM he had a pick up of a noise complaint at § 87(2)(b) Apt. § 87(2)(b). A request for assistance was made and six were under for disorderly conduct, OGA and resisting. PO Ramos took the collar. At 2:46AM, one juvenile sustained chest, back, and hip pain as a result

On January 1, 2009, at approximately 2:30 AM, before PO Vecvagars and Sgt. Lynch entered the building, they waved over another patrol car that was across the street, and those two officers (PO Aponte, and his partner whom PO Vecvagars did not recall) joined them. The door was locked and the officers had to kick the door. The officers did not damage the door because it was already dented and damaged. As the officers were walking up the stairs, they called for additional units. PO Vecvagars used his wooden baton to knock on the door of apartment 3B, where the loud music was coming from. The music was lowered, and then § 87(2)(b) § 87(2)(b) opened the door. § 87(2)(b) was rude, loud, and intoxicated. He shouted at PO Vecvagars that this was his house, that it was New Year's Eve, and that he had the right to play his music.

PO Vecvagars asked § 87(2)(b) for his identification, and § 87(2)(b) handed PO Vecvagars his security guard license. PO Vecvagars told § 87(2)(b) that he wanted to see his state identification, so § 87(2)(b) handed that to PO Vecvagars. At some point while speaking with § 87(2)(b) § 87(2)(b)'s son, § 87(2)(b) § 87(2)(b) and his friend, § 87(2)(b) § 87(2)(b) appeared at the door screaming at the officers.

PO Vecvagars then placed his hand on § 87(2)(b)'s elbow and gently pulled on § 87(2)(b)'s arm to tell him to come with him so that a summons could be written. § 87(2)(b) took a step back and asked why he was being given a summons. § 87(2)(b) and § 87(2)(b) then pulled § 87(2)(b) back into the apartment. At this point, § 87(2)(b) § 87(2)(b) and § 87(2)(b) were all going to be placed under arrest — § 87(2)(b) for resisting arrest and § 87(2)(b) and § 87(2)(b) for obstructing government administration.

PO Vecvagars and Sgt. Lynch pulled on § 87(2)(b) and § 87(2)(b) and § 87(2)(b) pulled § 87(2)(b) in the opposite direction. After pulling § 87(2)(b) out of the doorway, PO Vecvagars and Sgt. Lynch were standing in the doorway, and § 87(2)(b) tried to close the door on them. PO Vecvagars and Sgt. Lynch were already going to arrest § 87(2)(b) and § 87(2)(b) so they pushed back on the door to try to gain entry to the apartment to effect the arrests. Other people from the party helped § 87(2)(b) and § 87(2)(b) push on the door from the other side. PO Vecvagars then took out his pepper spray and sprayed two short bursts inside the door. PO Vecvagars explained that he used pepper spray because § 87(2)(b) and § 87(2)(b) had braced themselves against the door from the inside and there were approximately twenty to thirty people behind them helping them. Because of the angle, PO Vecvagars could not reach around and grab § 87(2)(b) or § 87(2)(b) nor could he strike them with an asp. Therefore, the only reasonable force was pepper spray.

During the struggle at the door, PO Vecvagars did not use his baton at any point, nor did he see any other officer use a baton. PO Vecvagars did not curse at the people inside the apartment or threaten to arrest them, nor did he hear any other officer do so. After the pepper spray, most of the people holding the door from the inside abandoned the door, leaving only § 87(2)(b) and § 87(2)(b) holding on. Shortly thereafter, § 87(2)(b) and § 87(2)(b) let go as well and ran back into the apartment. PO Vecvagars entered first and chased § 87(2)(b) down the hallway. § 87(2)(b) turned around and grabbed PO Vecvagars in a bear hug from the front. PO

Felipe Ortiz followed behind PO Vecvagars down the hallway. PO Vecvagars tried to push § 87(2)(b) off him, and other officers helped as well. PO Vecvagars did not know which officers took § 87(2)(b) off of him or how they did it. PO Vecvagars did not know if they used their batons, but he saw officers with batons out (although he did not recall which officers). PO Vecvagars did not see any officer punch or kick § 87(2)(b) nor did he himself do so. PO Vecvagars and § 87(2)(b) never went to the ground during their struggle.

After the other officers pulled § 87(2)(b) off PO Vecvagars, PO Vecvagars walked away from § 87(2)(b) into the living room with PO Froimovich. *(In the video, PO Vecvagars can be seen returning to § 87(2)(b) for a brief moment after walking away as officers are struggling with § 87(2)(b). PO Vecvagars explained that he was helping the officers handcuff § 87(2)(b).* PO Vecvagars was exhausted from the struggle and needed to rest for a moment. In the living room, PO Vecvagars and PO Froimovich asked the people for the identification and frisked them for weapons. PO Vecvagars frisked the people in the living room because he did not know if they had any weapons on them, and he had just had a violent interaction with a number of the people at this party. PO Vecvagars also feared for his safety because he had just gotten into an altercation with and arrested friends and relatives of the people in the living room, so he feared retaliation. PO Vecvagars had no additional reason to fear for his safety.

PO Vecvagars knocked on the doors of the other rooms to see if there were more people there. § 87(2)(b) was in one of the rooms which had been locked, and PO Vecvagars identified him as one of the people who had been at the door. PO Vecvagars did not curse at § 87(2)(b). § 87(2)(b) PO Vecvagars did not recall being involved in the arrests of any other individuals after § 87(2)(b) was handcuffed, but he saw others placed under arrest. PO Vecvagars did not see force used against or § 87(2)(b) anyone after § 87(2)(b) was handcuffed.

Capt. Elias Nikas

On June 12, 2009, Capt. Nikas was interviewed at the CCRB. Capt. Nikas worked in uniform as the precinct commanding officer from approximately 5:00 PM on December 31, 2008, to approximately 4:00 AM on January 1, 2009, in his unmarked car. Capt. Nikas does not keep a memo book.

On January 1, 2009, Capt. Nikas received a call for a 10-85 at § 87(2)(b) at approximately 2:30 AM. Capt. Nikas, Lt. Ellman, and Lt. Connelly responded to the location in Capt. Nikas's vehicle. When Capt. Nikas arrived at the location, officers had already entered the apartment and were scuffling with civilians in the hallway of the apartment. The officers were trying to place people under arrest by pulling their arms behind their backs and the people were resisting. Capt. Nikas did not see any officer punch or kick any civilian. Capt. Nikas could not estimate how many people were in the hallway. When Capt. Nikas arrived, he smelled that pepper spray had been used, but he did not witness its use. Capt. Nikas thought that some officers had their asps out, but he did not recall seeing officers with their asps out.

In the apartment, Capt. Nikas oversaw a cursory look through the apartment to see if there were any other injured individuals in any of the rooms. Capt. Nikas did not find anyone else injured. After the initial melee, Capt. Nikas did not see any officer use force against any civilians. Sgt. Lynch made the decision about which people to arrest because he was there from the beginning of the incident.

Capt. Nikas did not directly authorize the frisking of people in the apartment, but he stated that officers would frisk whomever is in the apartment for weapons. The officers would frisk the people for their own safety and to make sure nothing was passed off because they were all involved in the melee. There were about six people left in the apartment at that point.

At Capt. Nikas's direction, the officers seized the DJ equipment and other property: a computer monitor, a laptop with a credit card machine, a turntable, a CD mixer, and an amplifier. Capt. Nikas ordered this property seized because he thought that § 87(2)(b) § 87(2)(b) might be operating an illegal social club. Capt. Nikas did not hear any officer curse at any civilian.

PO Felipe Ortiz

On August 11, 2009, PO Ortiz was interviewed at the CCRB. PO Ortiz patrolled sectors H, I, and J in uniform in a marked police car (2101) with PO Vladimir § 87(2)(b) from 11:15 PM on December 31, 2008, to 7:50 AM on January 1, 2009. PO Ortiz had no entries in his memo book regarding this incident.

On January 1, 2009, at approximately 2:30 AM, PO Ortiz and PO § 87(2)(b) responded to § 87(2)(b) in the Bronx in regard to a noise complaint. When PO Ortiz and PO § 87(2)(b) arrived, officers had already gained entry to the building, and the front door was open. PO Ortiz and PO § 87(2)(b) walked up the stairs to the third floor, and there were already approximately six to eight police officers at the door. PO Ortiz stayed on the stairwell just below the platform at the third floor because the landing area was already full of police. PO Ortiz could not see what was happening at the door, but he could hear yelling back and forth between the officers and the civilians. PO Ortiz did not recall what was being said.

A tussle then began between § 87(2)(b) and the officers. PO Ortiz did not see how the tussle began, but he heard officers telling § 87(2)(b) that he is under arrest and other people were yelling at the officers. PO Ortiz walked up the stairs to the landing outside the apartment and saw officers pulling on § 87(2)(b) for approximately ten or fifteen seconds before officers pulled § 87(2)(b) out of the doorway and placed him under arrest. People inside the apartment, including § 87(2)(b), § 87(2)(b), and § 87(2)(b), § 87(2)(b) were trying to pull § 87(2)(b) back into the apartment. PO Ortiz did not himself participate in this struggle.

After § 87(2)(b) was pulled out, PO Vecvagars was somehow stuck in the doorway as the people on the inside of the door were trying to shut it on him. PO Ortiz approached the door at the hinges and saw a § 87(2)(b) who remains unidentified, with her feet and hands against the wall and her back against the door. *(In the video, § 87(2)(b) is being pulled out of the apartment. PO Ortiz had no recollection of this.)*

§ 87(2)(b) and § 87(2)(b) were also still in the doorway and were pushing on the door, as were others in the doorway. PO Ortiz and other officers were trying to push the door open because PO Vecvagars was wedged between the door and the wall and to arrest the people pushing on the door. An unidentified officer sprayed pepper spray inside the entrance, and all of the people inside the door ran back inside the apartment except § 87(2)(b) who stayed at the door. § 87(2)(b) continued to hold the door and throw punches for a few seconds. PO Ortiz did not know if § 87(2)(b) hit anyone else with his punches, but PO Ortiz was struck in the forearm. § 87(2)(b) was quickly overpowered at the door and also ran back, leaving no civilians at the door. During this struggle at the door, PO Ortiz did not see any officer use an asp or punch any of the civilians. PO Ortiz did not hear any officer curse at the civilians or threaten them with arrest.

Once the door was open, PO Vecvagars was freed, and PO Ortiz ran into the hallway, which was dark. PO Ortiz chased § 87(2)(b) down the hallway. Because there were a lot of people inside, PO Ortiz took out and extended his asp for his own protection in case any of the people inside attacked him. § 87(2)(b) was running away from PO Ortiz, but then he stopped and turned around, facing PO Ortiz. § 87(2)(b) raised his hands, and PO Ortiz grabbed both of § 87(2)(b)'s arms. When PO Ortiz grabbed § 87(2)(b)'s arms, § 87(2)(b) began to struggle, and PO Ortiz and § 87(2)(b), § 87(2)(b) both fell to the ground, with PO Ortiz on top of § 87(2)(b) who was on his back. § 87(2)(b) continued to struggle while on the ground and kicked. Other officers then descended on § 87(2)(b) and PO Ortiz, and Sgt. Lynch struck PO Ortiz in the hand with his asp when trying to hit § 87(2)(b). PO Ortiz dropped his asp as a result. PO Ortiz walked away from § 87(2)(b) and picked up his asp. PO Ortiz did not recall any officer striking § 87(2)(b) kicking him, or pepper-spraying him at this time.

(After viewing the video footage, PO Ortiz acknowledged that PO Vecvagars was the first officer to interact with § 87(2)(b) in the hallway with PO Ortiz directly behind him. PO Ortiz did not recall that and did not know how it happened. PO Ortiz stated that in the video when § 87(2)(b) is standing in the hallway surrounded by officers, PO Ortiz had already walked away from § 87(2)(b).

After PO Ortiz picked up his asp, § 87(2)(b), § 87(2)(b) approached him. § 87(2)(b), § 87(2)(b) was drunk and yelling. § 87(2)(b), § 87(2)(b) grabbed PO Ortiz's shirt, and PO Ortiz told her to let go and that she was under arrest. § 87(2)(b), § 87(2)(b) refused to let go of PO Ortiz's shirt, and PO Ortiz eventually had to pull her hand off his shirt. § 87(2)(b), § 87(2)(b) took a step back but remained standing. § 87(2)(b), § 87(2)(b) held her arm straight and refused to be handcuffed. An unidentified officer came and helped PO Ortiz pull § 87(2)(b), § 87(2)(b)'s arms behind her back and place her in cuffs. PO Ortiz

did not see any force used after § 87(2)(b) was in cuffs; at that point Captain Nikas was on the scene with Lt. Connelly.

After cuffing § 87(2)(b) PO Ortiz entered the back room of the apartment where there was a mini-bar. In that room PO Ortiz frisked a tall Hispanic male in his 20s, and PO § 87(2)(b) frisked the person standing next to him. PO Ortiz frisked him because he held his hands at his waist near his back pocket, and PO Ortiz did not know what he might have. PO Ortiz did not recall recovering anything from the frisk or frisking anyone else. Everything was then under control, and Capt. Nikas told PO Ortiz and PO § 87(2)(b) to resume patrol. PO Ortiz did not seek medical attention for his hand that was struck with the asp and did not know of any civilians or officers receiving medical attention as a result of the incident.

PO Adrian Ramos

On June 2, 2009, PO Ramos was interviewed at the CCRB. PO Ramos worked sector patrol with PO Jose Romero from 11:15 PM on December 31, 2008, to 7:50 AM on January 1, 2009. PO Ramos 's memo book noted that at 2:21AM he backed the 40th Precinct sergeant at § 87(2)(b). At 2:46Am he resumed patrol. At 3:30AM he was at the stationhouse and was assigned arrest by Sgt. Lynch in regard to a call of assistance at § 87(2)(b) due to the arresting officer getting injured and going LOD.

When PO Ramos and PO Romero arrived, the officers had already gained entry to the building, and the front door of the building was open. They went to the third floor. § 87(2)(b) refused to turn the music down and refused to provide his identification. As they were speaking, § 87(2)(b) appeared at the door behind § 87(2)(b) and so did two other people. After approximately five to ten minutes, PO Vecvagars asked § 87(2)(b) to step outside of the apartment so that he could be spoken to alone. At this time, § 87(2)(b) provided PO Vecvagars his identification and exited the apartment. There was no struggle to get § 87(2)(b) out of the apartment. (PO Ramos explained that in the video, it shows § 87(2)(b) handing his identification to PO Vecvagars immediately upon opening the door, but that is because the video is not complete and has several minutes missing.) After § 87(2)(b) stepped out of the apartment, he was escorted up the stairs. At this point, PO Vecvagars was standing inside the apartment, trying to hold the door open.

When § 87(2)(b) stepped out of the apartment, other officers stepped in front of PO Ramos, and PO Ramos could no longer see what was happening at the door. All that PO Ramos saw was PO Vecvagars trying to hold the door open, and then eventually the door opened and officers rushed inside. (During the video, § 87(2)(b) is pulled out of the apartment, and PO Ramos deals with him off-camera. PO Ramos explained that he placed him in handcuffs. During this time, PO Ramos's back is facing the doorway.) PO Vecvagars was trying to hold the door open for approximately two minutes before the door opened and the officers rushed inside. During this time, PO Ramos did not see any officer use a baton nor did PO Ramos see any officer use pepper spray. PO Ramos did not notice pepper spray used at any point.

PO Ramos entered the apartment with the other officers after other officers had rushed in when the door opened. (From the video, PO Ramos identified PO Fulton, PO Froimovich, PO Ortiz, and PO Aponte as entering before him.) When PO Ramos entered the apartment, he saw PO Vecvagars struggling with § 87(2)(b). They were in a bear hug, and PO Vecvagars's back was against the wall in the hallway as they were moving along the wall from near the living room back towards the doorway. PO Vecvagars was shouting at the other officers to get § 87(2)(b) off of him. PO Ramos and other unidentified officers pulled § 87(2)(b) off PO Vecvagars and brought him to the ground. § 87(2)(b) resisted all the way to the ground, but no officer struck or kicked § 87(2)(b) or hit him with a baton.

Other officers placed § 87(2)(b) in handcuffs, and PO Ramos and PO Romero walked to the last door on the right before the living room. PO Ramos did not recall how he gained entry to the room. When PO Ramos entered the room, he encountered two Hispanic males between the ages of 20 and 28. Both men put their hands up and complied with PO Ramos. PO Ramos frisked them for his safety. PO Ramos explained that he frisked them because they were in a closed room. Neither man did anything further to make PO Ramos fear for his safety. PO Ramos did not search the men.

Other officers then escorted the two men out of the apartment. PO Ramos thought that one of the men was identified by PO Vecvagars as one of the people holding the door and was arrested for OGA. Sgt. Lynch

assigned the arrests from this incident to PO Ramos. By this time, § 87(2)(b) and § 87(2)(b) § 87(2) had already been taken to the hospital for their injuries. PO Ramos did not know what their injuries consisted of. PO Ramos did not hear any officer curse at any of the civilians, nor did he himself curse at any civilians.

PO Arie Froimovich

On June 24, 2009, PO Froimovich was interviewed at the CCRB. PO Froimovich worked sector patrol from 11:15 PM on December 31, 2008, to 7:50 AM on January 1, 2009, with PO § 87(2) in uniform in a marked patrol car. PO Froimovich had no entries in his memo book regarding this incident.

When PO Froimovich got to the apartment, the door was already open, and people inside were trying to close the door on an officer. PO Froimovich did not recall hearing any officers' curse at or threaten to arrest the people inside the apartment. PO Froimovich did not recall seeing any officer use an asp or pepper spray nor did he recall smelling pepper spray at any point.

Eventually, the officers somehow managed to gain entry to the apartment. PO Froimovich entered the apartment and proceeded down the hallway to the back room where more people were. PO Froimovich assisted in the handcuffing of someone (identified as § 87(2)(b) who had been grabbing an officer. PO Froimovich explained that he and other unidentified officers pulled § 87(2)(b) off the officer and placed him in handcuffs. PO Froimovich did not recall any officer punching, kicking, or pepper-spraying § 87(2)(b) or striking him with an asp. § 87(2)(b) was placed in cuffs on the ground. PO Froimovich did not recall any force being used against § 87(2)(b) after he was placed in handcuffs. *(In the video, a struggle to place § 87(2)(b) in handcuffs is evident immediately after the officers gain entry to the apartment [before any officer enters the back room], but PO Froimovich did not recall his role in arresting § 87(2)(b) or where he was at the time. PO Froimovich was unable to identify himself on the video at this time.)*

After the handcuffing of § 87(2)(b) PO Froimovich did not participate in the handcuffing or frisking of anyone else or witness force used against anyone else. PO Froimovich did not recall any females being placed under arrest. After the people were allowed to leave, PO Froimovich resumed patrol. *(While watching the video, PO Froimovich had difficulty identifying himself through the video but after everything had calmed down, he identified himself as the officer in a black knit cap with glasses.)*

PO § 87(2)(b) Aponte

On June 30, 2009, PO Aponte was interviewed at the CCRB. PO Aponte worked from 11:15 PM on December 31, 2008, to 7:50 AM on January 1, 2009, with PO Fulton in a marked patrol car. PO Aponte's memo book noted that at 2:25AM he assisted the patrol sergeant at § 87(2)(b). At 2:27AM he was at the location. A 2:46AM he had five under arrest from the location because the request for assistance turned into an officer in need of help given that the civilian was fighting officers. At 2:53AM he was at the stationhouse. .

On January 1, 2009, when PO Aponte and PO Fulton arrived Sgt. Lynch and PO Vecvagars were already present on the scene but had yet to enter the building. The front door of the apartment building was closed, but it was not locked because the lock was already broken. The officers proceeded to the third floor, where the music was coming from. PO Aponte corroborated the officers' version of events leading up to the physical struggle. The struggle ended when § 87(2)(b) turned around and pushed his family off of him, telling them to stay back and saying that he was going with the officers. PO Aponte was not involved in this struggle because he was on the staircase the whole time. PO Aponte did not see any officer punch anyone or strike anyone with an asp. The only force used during this struggle was pulling on § 87(2)(b) to get him out of the apartment. PO Aponte did not hear any officer curse or threaten to arrest anyone.

Once § 87(2)(b) stepped out of the apartment, PO Aponte escorted him up the stairs away from the door. PO Aponte could not hear what was happening at the door when he was with § 87(2)(b) upstairs. After standing with § 87(2)(b) for a little while, Sgt. Lynch came by and told PO Aponte to place § 87(2)(b) in handcuffs. PO Aponte then placed § 87(2)(b) in handcuffs and escorted him outside. PO Aponte did not recall seeing any civilians with injuries, nor did he recall any civilians complaining of injuries. PO Aponte did not interact with any of the civilians at the stationhouse.

PO Otis Fulton

On July 28, 2009, PO Fulton was interviewed at the CCRB. PO Fulton worked conditions in uniform with PO Aponte from 11:15 PM on December 31, 2008, to 7:05 AM on January 1, 2009. PO Fulton's memo book noted that at 2:25AM Sgt. Ops § 87(2)(b) At 2:27AM there was a noise complaint of loud music. At 2:46AM there were five under given that the request for assistance turned to an officer in need of help. The defendant was fighting officer and closed the door on officers.

When PO Fulton and PO Aponte arrived, only PO Vecvagars and Sgt. Lynch were on the scene. Because the people behind § 87(2)(b) were acting so rambunctious, PO Fulton was focused entirely on them and did not know what was happening with § 87(2)(b) until § 87(2)(b) tried to walk back into the apartment. PO Vecvagars somehow stopped § 87(2)(b) from returning to the apartment, but PO Fulton did not know how. PO Fulton corroborated the other officers' statements about the struggle at the front door of the apartment but he also stated that PO Vecvagars was somehow pulled inside the apartment. PO Fulton heard PO Vecvagars screaming in pain. PO Fulton did not recall hearing any officer curse or threaten to arrest anyone. PO Fulton did not recall any officer having an asp out or using an asp. Officers entered the apartment, but PO Fulton stayed to the side and did not enter the apartment immediately. After the pepper-spray, PO Fulton did not see any more physical force used during the incident. (While watching the video, PO Fulton was asked about the force used after the initial entry, and he stated that he was still in the doorway at the time.)

By the time PO Fulton entered the apartment, the situation was completely under control. PO Fulton did not witness the handcuffing of anyone nor did he assist in the handcuffing of anyone inside the apartment. PO Fulton did not frisk anyone inside the apartment. PO Fulton did not curse or hear any other officer curse. PO Fulton drove § 87(2)(b) to the stationhouse, and then he immediately resumed patrol. PO Fulton did not recall any civilian asking for medical attention. PO Fulton did not recall any injuries – civilian or police – stemming from this incident.

Officers not interviewed

Although more officers responded to the location and were present for parts of the incident, the investigation determined that it was not necessary to interview further officers

NYPD documents

Sprint report

The sprint report is for a 10-68U2 (officer needs assistance) at § 87(2)(b) put over by sector H. Sectors A, C, D, and X as well as ST1 (patrol supervisor) also appear on the sprint report. The final disposition was reported as three criminal arrests by sector C.

Complaint and arrest reports

The complaint and arrest reports for § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) prepared by PO Ramos, indicate that officers went to § 87(2)(b) in regard to a pick up of a noise complaint. § 87(2)(b) refused to turn the music down and to cooperate with police orders, and he resisted being placed under arrest by flailing his arms. § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) prevented officers from effecting a lawful arrest by pushing the apartment door against the officers. § 87(2)(b) was observed behind the apartment door placing his legs against the wall and pressing his back against the door to prevent the officers from entering the apartment. § 87(2)(b) then ran into a bedroom and locked himself in. Officers gained access to the bedroom and placed him under arrest. § 87(2)(b) further resisted arrest by flailing her arms. § 87(2)(b) ran down the hallway to flee officers after the officers gained entry. § 87(2)(b) then bear-hugged an officer, putting himself between the officer and other officers to prevent being arrested. § 87(2)(b) was taken to the ground and placed under arrest.

AIDED and line-of-duty injury reports

PO Vecvagars sustained back, chest, and hip sprain from having a door slammed against him during the course of an arrest. Sgt. Lynch observed PO Vecvagars involved in a struggle with six perpetrators while attempting to gain entry into an apartment.

Command log and prisoner holding pen roster

§ 87(2) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2) were all brought into the 40th Precinct stationhouse at 2:50 AM on January 1, 2009. § 87(2)(b) § 87(2)(b) and § 87(2) were brought to § 87(2)(b) Hospital at 4:35 AM and returned to the 40th Precinct stationhouse at 10:25 AM. § 87(2)(b) § 87(2)(b) was released to his mother at 4:10 AM. § 87(2) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and § 87(2)(b) were transported to Bronx Central Booking at 12:10 PM.

§ 87(2)(b)
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§ 87(2)(b)

Notice of claim

The claims of § 87(2)(b) § 87(2)(b) § 87(2) § 87(2) § 87(2) and § 87(2)(b) § 87(2)(b) against the City of New York allege that members of the New York City Police Department beat, maced, and handcuffed § 87(2)(b) § 87(2)(b) § 87(2) § 87(2) and § 87(2)(b) § 87(2)(b) without justification, probable cause, or any rational excuse. The claims are made for “personal and economic injuries well in excess of the jurisdictional limits of the Supreme Court of the State of New York.”

Media coverage

An article appearing the Spanish-language newspaper § 87(2)(b) reiterates the force allegations made by § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2) § 87(2)(b) § 87(2)(b) and § 87(2) § 87(2). The article includes a photograph of § 87(2)(b) § 87(2)(b) indicating an injury to his right hip where there are scabs and some missing skin and § 87(2)(b) § 87(2) indicating an injury to her right arm where there is discoloration.

§ 87(2)(b)
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§ 87(2)(b)

Officer CCRB histories

In their respective 17, 7, 6 and 4-year tenures with the NYPD, Capt. Nikas, PO Vecvagars, Sgt. Lynch, and PO Ortiz have had no allegations of misconduct substantiated against them by the CCRB.

Conclusions and Recommendations

Subject officer identification

PO Vecvagars admitted pepper-spraying into the apartment. Sgt. Lynch admitted swinging his asp when he was outside the apartment door, so that allegation has been pled against him. Sgt. Lynch was the supervising officer on the scene at the time of the entry into the apartment. PO Ortiz admitted placing § 87(2)(b) § 87(2) in handcuffs. PO Vecvagars admitted handcuffing § 87(2)(b) § 87(2)(b). Captain Nikas was the commanding officer on the scene and in the room at the time of the frisks of the remaining individuals, so the allegation of frisks has been pled against him. No civilian saw the officer(s) who allegedly cursed during the struggle at the door, because the officers were on the other side of the door, so that allegation has been pled against

“Officers.” Because no officer admitted using the force that § 87(2)(b) § 87(2)(b) alleged, and the investigation was unable to show officer photographs to identify the officers, the pepper-spray, asp, and physical force allegations have been pled against “an officer” and “officers.”

Disputed and undisputed facts

It is not disputed that § 87(2)(b) § 87(2)(b) was hosting a loud party with alcohol when police officers responded to his apartment. Nor is it disputed that when the officers entered § 87(2)(b) and tried to remove § 87(2)(b) § 87(2)(b) using minimal force, that the civilians inside the apartment pulled on § 87(2)(b) § 87(2)(b) to prevent the officers from removing him, and then, after the police had secured § 87(2)(b) § 87(2)(b) that the civilians struggled with the officers to keep the door closed so that the officers could not gain entry to the apartment and arrest those who had attempted to prevent the removal of § 87(2)(b) § 87(2)(b) (this entire episode will hereafter be referred to as “the struggle at the door”). § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

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§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

Allegation A: Sgt. Seth Lynch authorized the entry into § 87(2)(b) in the Bronx.

Upon hearing the music at § 87(2)(b) Sgt. Seth Lynch made the decision to enter the building. To forcibly enter a private building without a warrant and while not pursuing a suspect, Sgt. Lynch would have needed to have exigent circumstances. However, to use exigent circumstances as a justification, “police must have reasonable grounds to believe that there is an emergency at hand and an immediate need for their assistance for the protection of life and property” (encl. 1A-C). § 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

Allegation B: Officers used physical force against § 87(2)(b) § 87(2)(b) and § 87(2) § 87(2)

Allegation C: PO Erik Vecvagars used pepper spray against § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b)

§ 87(2)(b) § 87(2)(b) and individuals.

Allegation D: Sgt. Seth Lynch struck § 87(2)(b) § 87(2)(b) and § 87(2)(b) with an asp.

There is no dispute that, during the struggle at the door, officers used force against § 87(2)(b) § 87(2)(b) and § 87(2)(b) Sgt. Lynch swung his asp, and PO Vecvagars sprayed pepper-spray into the apartment.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation E: Officers spoke obscenely and/or rudely to § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and individuals.

§ 87(2)(b), § 87(2)(g)

Allegation F: Sgt. Seth Lynch authorized the entry and search of § 87(2)(b) in the Bronx.

It is not disputed that officers entered § 87(2)(b) As explained by PO Erik Vecvagars, § 87(2)(b) § 87(2)(b) § 87(2)(b) § 87(2)(b) and the others at the door who pulled on § 87(2)(b) § 87(2)(b) were under arrest at the time that the police entered the apartment, and the police entered the apartment in pursuit of those they were placing under arrest. § 87(2)(b), § 87(2)(g)

Allegation G: An officer used pepper spray against § 87(2)(b) § 87(2)(b)

Allegation H: Officers struck § 87(2)(b) § 87(2)(b) with an asp.

Allegation I: Officers used physical force against § 87(2)(b) § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation J: PO Felipe Ortiz used physical force against § 87(2)(b) § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation K: PO Erik Vecvagars spoke obscenely and/or rudely to § 87(2)(b) § 87(2)(b)

§ 87(2)(b), § 87(2)(g)

Allegation L: Captain Elias Nikas supervised the frisking of individuals.

§ 87(2)(b), § 87(2)(g)

§ 87(2)(b), § 87(2)(g)

Investigator:

Im Coury

Date:

Supervisor:

Date:

Reviewed by:

Date:

Reviewed by:

Date: